

03/19/01 11033 U.S. PTO

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11033 U.S. PTO 09/811933 03/19/01

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 11051US03 / 200-85

PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. §1.53

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

#5a  
3da  
11-1-01

Sir:

Transmitted herewith for filing is the patent application of:

Inventor(s): Marc D. Better

Title: IMPROVED METHODS AND CELLS FOR EXPRESSION OF  
RECOMBINANT PROTEIN PRODUCTS UNDER THE  
TRANSCRIPTIONAL CONTROL OF AN INDUCIBLE PROMOTER

1. Type of Application:

- ☒ This is a new application for a
  - ☒ utility patent.
  - ☐ design patent.
- ☒ This application claims priority of U.S. Provisional Application Serial Nos. 60/192,238 filed March 27, 2000 [Docket No. 11051US02] and 60/192,129 filed March 24, 2000 [Docket No. 11051US01], the disclosures of which are incorporated by reference herein.

CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **March 19, 2001** in an envelope, postage prepaid, addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service, under Mailing Label No. EL649146395US.

  
Jimmie Blackburn

**2. Application Papers Enclosed**

- 1 Title Page
- 27 Pages of Specification (excluding Claims, Abstract & Drawings)
- 6 Page(s) of Claims
- 1 Page(s) of Abstract
- 4 Sheet(s) of Drawings (Figs. 1 to 4)
  - ☒ Formal
  - ☐ Informal

**3. Amendments**

- ☒ Please insert after the title This application claims priority of U.S.

Provisional Application Nos. 60/192,238 filed March 27, 2000 and 60/192,129 filed March 24, 2000, the disclosures of which are incorporated by reference herein.--

**4. Declaration or Oath**

- ☐ Enclosed - unexecuted
- ☐ Executed by (check all applicable boxes)
  - ☐ Inventor(s)
  - ☐ Legal representative of inventor(s)  
(37 CFR §1.42 or §1.43)
  - ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
    - ☐ The petition required by 37 CFR §1.47 and the statement required by 37 CFR §1.47 are enclosed. See Item 5D below for fee.
- ☒ Not enclosed - the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

**5. Additional Papers Enclosed**

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence and Statement Under 37 C.F.R. §1.821(f)
- ☐ Verified statement(s) claiming small entity status under 37 CFR §1.9 and §1.27
- ☐ Associate Power of Attorney

- ☐ Verified translation of a non-English patent application  
☐ An assignment of the invention  
☒ Return Receipt Postcard  
☐ Other

**6. Priority Applications Under 35 USC §119**

Certified copies of applications from which priority under 35 USC §119 is claimed are listed below and: ☐ are attached  
☐ will follow.

COUNTRY	APPLICATION NO.	FILED

**7. Filing Fee Calculation (37 CFR §1.16)**

**A. ☐ Utility Application**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$ 355.00		\$710.00
TOTAL	51-20	= 31	X 9 =	\$ 279.00	X 18 =	\$
INDEP.	6 -3	= 3	X 40 =	\$ 120.00	X 80 =	\$
<input checked="" type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$ 135.00	+ 270 =	
Filing Fee:				\$ 889.00	OR	\$

**B. ☐ Design Application (\$155.00/\$310.00)** Filing Fee: \$ \_\_\_\_\_

**C. ☐ Plant Application (\$240.00/\$480.00)** Filing Fee: \$ \_\_\_\_\_

**D. Other Fees**

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_

- ☐ Petition fee for filing by other than all the inventors  
or person on behalf of the inventor where inventor refused  
to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_
- ☐ Other \$ \_\_\_\_\_

**Total Fees Enclosed** \$ 889.00

**8. Method of Payment of Fees:**

- ☒ Enclosed check in the amount of: \$ 889.00
- ☐ Charge Deposit Account No. 13-0017 in the amount of: \$ \_\_\_\_\_
- A copy of this Transmittal is enclosed.
- ☐ Not enclosed

**9. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR §1.16 or 37 CFR §1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-0177. A duplicate copy of this Transmittal is enclosed.

Please refund any overpayment to McANDREWS, HELD & MALLOY, Ltd. at the address below.

**Please direct all future communications to:**

**Janet M. McNicholas, Ph.D.  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(312) 775-8000**

Respectfully submitted,

Dated: March 19, 2001

By: Janet M. McNicholas  
Janet M. McNicholas, Ph.D.  
Reg. No: 32,918